

REMARKS

Claims 1, 2, 4-11, 26-28, 30, 32-35, 37-40, 42-44 are all the claims pending in the application, claims 3, 12-25, 29, 31, 36, and 41 having been previously cancelled, and claims 1, 11, and 26 being the only independent claims. Support for the claim amendments may be found in at least, Figs. 6A and 6B, and para. 0062 of the publication of the application, for example.

Applicant notes with appreciation that the IDS papers filed November 15, 2007, have been signed and acknowledged by the Examiner.

Claims 1-2, 6, 9-11, 30 and 35 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,628,313 to Minakuchi et al., U.S. Patent Publication No. 2004/0001111 to Fitzmaurice et al., as supported by “Merriam Webster’s Collegiate Dictionary, Tenth Edition.” Claims 26-28 and 40 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of Minakuchi, Fitzmaurice, Webster, U.S. Patent No. 7,107,516 to Anderson et al., PCT Publication No. WO 02/21529 to Barbieri, and U.S. Patent Publication No. 2002/0030665 to Ano. The remaining dependent claims (4, 5, 7, 8, 32-34, 37-39, and 42-44) stand rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of references, which at least include Minakuchi, Fitzmaurice, and Webster. Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

Claim Objections

Claim 26 stands objected to because it recites the incomplete phrase “with a content.” The foregoing amendment is believed responsive to this point and withdrawal of the objection is believed proper and is respectfully requested.

Claim Rejections - 35 U.S.C. §112

Claim 26 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The foregoing amendment is believed fully responsive to the rejection, and withdrawal of the same is requested.

Claim Rejections - 35 U.S.C. §103 (claims 1 and 11)

Claims 1-2, 6, 9-11, 30 and 35 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Minakuchi, Fitzmaurice, and Webster. Applicant has identified several distinctions between the references cited in the Office Action and the rejected claims. Such distinctions are as follows.

As a first point, claim 1 is directed toward a method and recites “displaying a first content on an annular display surface within a display.” The Office Action relies upon Minakuchi for teaching this element.

Applicant’s review of the cited portion of Minakuchi reveals a discussion relating to main information 201 and sub-information 203 as being displayed in a three-dimensional manner. (Minakuchi col. 8, lines 66-67). Fig. 5 shows main information 201 displayed at the center of the display screen, and sub-information 203 affixed onto a virtual sphere 202 centered about main information 201. According to the Office Action, main information 201 discloses the claimed “first content.”

Applicant assumes *arguendo* that the Action is correct, to the extent that main information 210 discloses “first content.” Even if this were true, Minakuchi at best discloses a scheme in which first content (main information 201) is displayed on a screen. Moreover, Minakuchi is absolutely silent with regard to an “annular display surface,” and thus, cannot possibly teach “displaying a first content on an annular display surface within a display” as required by claim 1.

A second distinction relates to the claim feature of “the physical display surface comprises an inside concave portion structured to define an aperture.” The Office Action relies upon both the Minakuchi and Fitzmaurice references for teaching various elements of claim 1. With regard to Minakuchi, virtual sphere 204 arguably contains a concave portion. See sphere 202 of Fig. 5. However, this reference never describes such a concave portion 204 as being structured to define an aperture. Applicant submits that Fitzmaurice is similarly deficient such that dome 14 and enclosure 34 are not structured to define an aperture.

A third distinction involves the “wherein the physical display surface comprises an inside concave portion structured to define an aperture to permit viewing of the second content via a viewing angle extending from the inside concave portion and through the aperture.” In Minakuchi, since there is no aperture, it cannot therefore teach the “through the aperture” feature of claim 1. Fitzmaurice is even more distinguishable since it discloses a viewing angle that passes through the edge of the dome or enclosure, not “through the aperture” as required by claim 1. (Fitzmaurice, Fig. 3).

Applicant has demonstrated above that neither Minakuchi nor Fitzmaurice teach or suggest various features recited in claim 1. Applicant further submits that none of the other references of record, including Webster, supply any of the identified deficiencies of Minakuchi and Fitzmaurice. Therefore, for the reasons presented above, even if one skilled in the art were to combine the teachings of Minakuchi, Fitzmaurice, and Webster in the manner asserted, claim 1 would be patentable since not all of the recited claim elements are taught or reasonably suggested. Independent claim 11 includes language similar to that of claim 1, and thus, is believed to be patentable for reasons similar to those discussed with regard to claim 1. The rejected dependent claims 2, 6, 9-10, 30 and 35 are believed to be patentable at least by virtue of their respective dependence on the patentable independent claims 1 and 11.

Claim Rejections - 35 U.S.C. §103 (claim 26)

Claims 26-28 and 40 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over the combination of Minakuchi, Fitzmaurice, Webster, Anderson, Barbieri, and Ano.

Applicant has demonstrated above that Minakuchi, Fitzmaurice, and Webster do not teach or suggest various features recited in claim 1. Applicant further submits that Anderson, Barbieri, and Ano do not remedy any of the identified deficiencies of Minakuchi, Fitzmaurice, and Webster. Independent claim 26 includes language similar to that of claim 1, and thus, is believed to be patentable for reasons similar to those discussed with regard to claim 1. Moreover, dependent claims 27, 28, and 40 are also believed to be patentable at least by virtue of their dependence on patentable claim 26.

Claim Rejections - 35 U.S.C. §103 (dependent claims)

Dependent claims 4, 5, 7, 8, 26-28, 32-34, 37-40, 42-44 stand rejected under 35 U.S.C. § 103(a) as being unpatentable using various combinations of references, which at least include Minakuchi, Fitzmaurice, and Webster. These dependent claims are believed patentable at least by virtue of their respective dependence upon patentable independent claim 1.

CONCLUSION

In view of the above, Applicant submits that the currently pending claims are in condition for allowance. Early issuance of a Notice of Allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to deposit account No. 06-1135.

Date: June 17, 2008

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
120 So. LaSalle Street, Ste. 1600
Chicago, IL 60603

Direct telephone inquiries to:
Tom F. Lebens
(858) 552-1311
San Diego, California Office of
FITCH, EVEN, TABIN & FLANNERY

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

/Jeffrey J. Lotspeich/

Jeffrey J. Lotspeich
Attorney for Applicant(s)
Reg. No. 45,737